

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PETER COHN,

Plaintiff, **DEFENDANTS' NOTICE OF  
MOTION TO DISMISS THE  
AMENDED COMPLAINT**

-against-

THE DEPARTMENT OF EDUCATION OF THE CITY OF  
NEW YORK, THE BOARD OF EDUCATION OF THE CITY  
SCHOOL OF NEW YORK, ERIC STRAUSS individually, and  
JAMES JOHNSON individually,

15 CV 3938 (FB) (JO)

Defendants.

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**PLEASE TAKE NOTICE** that upon the Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint, dated April 14, 2016, and upon all the papers and proceedings previously had herein, defendants Board of Education of the City School District of the City of New York ("DOE") and Eric Strauss ("defendants")<sup>1</sup> will move this Court at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, 11201, before the Honorable Frederic Block, United States District Judge, at a time and date to be designated by the Court, for a judgment, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Amended Complaint on the grounds that plaintiff fails to state a plausible claim of retaliation in violation of the First Amendment of the United States Constitution;

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the parties' briefing schedule dated March 30, 2016, plaintiff's opposition to defendants' motion to dismiss the

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<sup>1</sup> To date, upon information and belief, defendant James Johnson has not been served with process in this action.

amended complaint must be served on or before May 13, 2016, and defendants' reply papers, if any, must be served and filed on or before May 27, 2016.

Dated: New York, New York  
April 14, 2016

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Docket No. 15 CV 3938 (FB) (JO)

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-against-

THE DEPARTMENT OF EDUCATION OF THE CITY OF NEW  
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**DEFENDANTS' NOTICE OF MOTION TO DISMISS THE  
AMENDED COMPLAINT**

**ZACHARY W. CARTER**

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*Of Counsel: Steven A. Sutro  
Tel: (212) 356-2470  
Matter No.: 2015-030221*

*Due and timely service is hereby admitted.*

*New York, New York.....,201*

*....., Esq.*

*Attorney for.....*